

## REMARKS

In the Final Office Action mailed September 11, 2006, claims 1-16 were rejected under nonstatutory obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 6,935,224; claims 1-16 were rejected under 35 U.S.C. 102(a) as being anticipated by Lee (KR 2002-0057012). The foregoing rejections are respectfully traversed.

Claims 3 and 4 have been cancelled without prejudice or disclaimer, the features thereof are included in amended claims 1 and 8. Claims 1, 8 and 9 have been amended to further clarify the present invention. Support for the claim amendments can be found at FIG. 5 and paragraph [0013] of the specification, for example.

Claims 1-2 and 5-16 are currently pending and under consideration. Claims 1 and 8 are independent claims. Reconsideration is respectfully requested.

### **Regarding the double patenting rejection:**

The Applicants request that a submission of a terminal disclaimer be held in abeyance until the allowance of the claims in the application.

### **Regarding the 102 rejection:**

Claim 1 has been amended to recite “a bread maker comprising: upper and lower kneading drums holding upper and lower parts of a mixing bag whose **opposite side edges each comprise upper opening parts and lower sealed parts**, respectively; a driver rotating the kneading drums in clockwise and counterclockwise directions; a baking tray which is placed between the upper and lower kneading drums and formed with a slit; and an oven compartment formed between the baking tray and the upper kneading drum; and **a controller which controls a number of rotations of the upper kneading drum by controlling the driver, wherein the number of rotations of the upper kneading drum is based upon a distance between the upper and lower kneading drums, and the distance is such that exposure of the upper opening parts of the opposite side edges of mixing bag to an inside of the oven compartment is prevented during a kneading process during a downward movement of the mixing bag**”. Claim 8 has been amended to recite features somewhat similar to those of amended claim 1.

Lee fails to discuss the features as recited in amended claims 1 and 8, for example. In contrast, Lee discusses a baking machine having upper and lower kneading drums, which prevents a sealing pack from being separated from the kneading drums by controlling the rotating position of the kneading drums (see page 18 of the English Translation of Lee). As shown in FIG. 6 of Lee, the opposite side edges of the sealing pack 7 do not include “upper

opening parts and lower sealed parts" as recited in amended claim 1, for example. Lee discusses a pair of kneading latch members 17 that prevent materials being kneaded in the sealing pack 7 from being separated from the upper area of a baking tray (see page 9 of the English Translation). In Lee, a cutter merely cuts the sealing pack after the sealing pack is kneaded and the kneaded material is left in the baking barrel of the baking machine (see page 4 of the English Translation of Lee). Further, Lee fails to discuss "a controller which controls a number of rotations of the upper kneading drum by controlling the driver, wherein the number of rotations of the upper kneading drum is based upon a distance between the upper and lower kneading drums, and the distance is such that exposure of the upper opening parts of the opposite side edges of mixing bag to an inside of the oven compartment is prevented during a kneading process during a downward movement of the mixing bag," as also recited in amended claim 1, for example.

Therefore, the present invention patentably distinguishes over Lee.

Thus, withdrawal of the 102 rejection is respectfully requested.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

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Respectfully submitted,

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